IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.340 OF 2006

IN

FIRST APPEAL (STAMP) NO.1478 OF 2006

M/s.Fidelity Software ...Applicant

Versus

Employees State Insurance

Corporation & Anr. ...Respondents

.....

Mr.Sachin i/b Mr.Sruesh S.Pakale for Applicant.

Mr.H.V.Mehta for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 20, 2006.

P.C.

1. Heard. By this Application, Applicant prays that the delay in filing Appeal of 314 days be condoned.

2. For the reasons mentioned in the Application, which to my mind are sufficient cause,

application deserves to be allowed.

3. It is not in dispute that the Applicant has already deposited entire claim amount on 31st December 2005. According to the Applicant, said deposit has been made without prejudice to his rights and contentions in the present appeal.

4. Suffice it to observe that as the entire amount has been deposited by the Applicant, it necessarily follows that the Applicant is serious about prosecuting the present proceedings.

5. Hence, application allowed in terms of prayer clause 15(a) in the interest of justice.

A.M.KHANWILKAR, J.